

DAVID R. GRIFFITH, ESQ. (SBN - 170172)
 STEVEN J. CHAMBERLIN, ESQ. (SBN 350239)
 GRIFFITH & HORN, LLP
 1530 Humboldt Road, Suite 3
 Chico, California 95928
 Telephone: (530) 812-1000
 Email: david@davidgriffithlaw.com
 steven@griffithandhorn.com

Attorney for Defendant,
 OFFICER SHIRLEY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

CALIFORNIA COALITION FOR WOMEN
 PRISONERS; R.B.; A.H.R.; S.L.; J.L. G.M.;
 A.S.; and L.T., individuals on behalf of
 themselves and all others similarly situated,

Plaintiffs,

v.

UNITED STATES OF AMERICA
 FEDERAL BUREAU OF PRISONS,
 government entity; BUREAU OF PRISONS
 DIRECTOR COLETEE PETERS; in her
 official capacity; FCI DUBLIN WARDEN
 THAHESHA JUSINO, in her official
 capacity; OFFICER BELLHOUSE, in his
 individual capacity; OFFICER GACAD, in
 his individual capacity; OFFICER JONES, in
 his individual capacity; OFFICER LEWIS, in
 his individual capacity; OFFICER NUNLEY,
 in his individual capacity; OFFICER POOL,
 in his individual capacity; LIUTENANT
 PUTNAM, in his individual capacity;
 OFFICER SERRANO, in his individual
 capacity; OFFICER SHIRLEY, in his
 individual capacity; OFFICER SMITH, in his
 individual capacity; OFFICER VASQUEZ, in
 her individual capacity;

Defendants.

Case No. 4:23-cv-04155-YGR

**ANSWER TO COMPLAINT BY
 DEFENDANT OFFICER SHIRLEY**

DEMAND FOR JURY TRIAL

ANSWER

Case No. 4:23-cv-04155-YGR

ANSWER TO COMPLAINT

COMES NOW Defendant OFFICER SHIRLEY and answers the unverified complaint filed herein by Plaintiffs CALIFORNIA COALITION FOR WOMEN PRISONERS; R.B.; A.H.R.; S.L.; J.L. G.M.; A.S.; and L.T., individuals on behalf of themselves and all others similarly situated, as follows:

1. Defendant generally denies the allegations of the unverified complaint.
2. Defendant denies the allegations set forth in paragraphs 1 and 2 of the complaint.
3. Defendant lacks sufficient information or belief to either admit or deny the allegations set forth in paragraphs 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 5, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 180, 181, 182, 183, 184, 185, 186, 187, 188, 198, 190, 191, 192, 193, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 226, 227, 228, 229, 231, 232, 233, 234, 235, 236, 237, 239, 254, 255, 256, 257, 258, 260, 21, 262, 263, 264, 266, 267, 268, 269, 270, 285, 286, 287, 288, 289, 290, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 345, 346, 347, 348, 349, 350, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370,

1 371, 372, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390,
2 391, 392, 394, 395, 396, 397, 398, 399, 400, 401, 402, 404, 404, 405, 406, 407, 408, 409, 410,
3 411, 412, 413, 414, 415, 416, 417, 418, 19, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430,
4 431 and 432 of the complaint and on that basis denies same.

5
6 4. Defendant admits the allegations set forth in paragraphs 27, 28 and 29 of the
7 complaint.

8 5. As to the allegations set forth in paragraph 37 of the complaint, this answering
9 Defendant admits that her was an officer of FCI Dublin and while doing so was acting within the
10 scope of his official employment, permission and consent of BOP under federal law, and
11 categorically denies any of the wrongful acts and/or omissions alleged by Plaintiffs in the
12 complaint.
13

14 6. As to the allegations set forth in paragraphs 43, 44, 215, 216, 217, 218, 219, 220, 221,
15 222, 223, 224, 225, 230, 240, 241, 242, 244, 245, 246, 247, 249, 250, 251, 252, 351, 352, 353,
16 354, 355, 356, 437, 438, 439, 440, 441, 442 and 443 of the complaint, this answering Defendant
17 categorically denies any of the wrongful acts and/or omissions alleged by Plaintiffs in the
18 complaint, lacks sufficient information or belief to either admit or deny the remaining and
19 balance of the allegations as to any other Defendant and on that basis denies same, and lacks
20 sufficient information or belief to admit or deny the balance and remaining allegations and on
21 that basis denies same. .
22
23

24 7. As to the statements set forth in paragraphs 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 272,
25 273, 274, 275, 276, 277, 279, 280, 281, 282, 283, 284, 434, 435, 436, and the requested relief in
26 the prayer in paragraphs 444, 445, 446, 447, 448, 449, 450 and 451 of the complaint, such
27 statements are not material allegations not requiring an admission or denial on the part of this
28

1 answering defendant, and to the extent such statements are deemed to be material allegations,
2 this answering Defendant lacks sufficient information or belief to either admit or deny and on
3 that basis denies same.

4
5 8. As to the allegations set forth in paragraph 139 of the complaint, this answering
6 Defendant denies any harassment of Plaintiff G.M. and/or any other incarcerated people for
7 reporting sexual abuse, and lacks sufficient information or belief to either admit or deny said
8 allegations as to any other defendant and on that basis denies same.

9
10 9. As to the allegations set forth in paragraph 238 of the complaint, this answering
11 Defendant incorporates by reference the answer to paragraphs 1 through 237 set forth above
12 herein as though fully set forth.

13
14 10. As to the allegations set forth in paragraph 243 of the complaint, this answering
15 Defendant incorporates by reference the answer to paragraphs 1 through 242 set forth above
16 herein as though fully set forth.

17
18 11. As to the allegations set forth in paragraph 248 of the complaint, this answering
19 Defendant incorporates by reference the answer to paragraphs 1 through 247 set forth above
20 herein as though fully set forth.

21
22 12. As to the allegations set forth in paragraph 253 of the complaint, this answering
23 Defendant incorporates by reference the answer to paragraphs 1 through 252 set forth above
24 herein as though fully set forth.

25
26 13. As to the allegations set forth in paragraph 259 of the complaint, this answering
27 Defendant incorporates by reference the answer to paragraphs 1 through 258 set forth above
28 herein as though fully set forth.

14. As to the allegations set forth in paragraph 265 of the complaint, this answering

1 Defendant incorporates by reference the answer to paragraphs 1 through 264 set forth above
2 herein as though fully set forth.

3 15. As to the allegations set forth in paragraph 271 of the complaint, this answering
4 Defendant incorporates by reference the answer to paragraphs 1 through 270 set forth above
5 herein as though fully set forth.

6 16. As to the allegations set forth in paragraph 433 of the complaint, this answering
7 Defendant incorporates by reference the answer to paragraphs 1 through 432 set forth above
8 herein as though fully set forth.

9
10
11 **AFFIRMATIVE DEFENSES**

12 17. AS AND FOR A FIRST AFFIRMTIVE DEFENSE this answering Defendant
13 asserts that the complaint and each claim for relief set forth therein fail to state sufficient to
14 constitute a claim for relief.

15 18. AS AND FOR A SECOND AFFIRMTIVE DEFENSE to the complaint and each
16 claim for relief set forth therein, this answering Defendant asserts that with a reasonable
17 opportunity for future discovery the evidence may show that Plaintiffs failed to exhaust the
18 applicable administrative remedies thus barring the claim(s) for relief.

19 19. AS AND FOR A THIRD AFFIRMTIVE DEFENSE this answering Defendant
20 asserts that the complaint and each claim for relief set forth therein are timed barred by the
21 applicable statutes of limitations including, without limitations, 18 U.S. Code § 1595(c)(1), and
22 California Code of Civil Procedure § 335.1.

23 20. AS AND FOR A FOURTH AFFIRMTIVE DEFENSE this answering Defendant
24 asserts that the complaint and each claim for relief set forth therein against this answering
25 Defendant are barred by the doctrine of qualified immunity.

